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		IEGAN, L.L.P.	SERRAO, RANODHI N		
3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)					
		10/057,255	HAMADA, MASASHI					
	Office Action Summary	Examiner	Art Unit					
		Ranodhi Serrao	2141					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)⊠	1)⊠ Responsive to communication(s) filed on <u>03 August 2005</u> .							
·	•	nis action is non-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4)⊠ 5)□ 6)⊠ 7)□	 4)							
Application Papers								
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 								
Priority under 35 U.S.C. § 119								
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
	e of References Cited (PTO-892)	4)						
3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 r No(s)/Mail Date	🗖	ate Patent Application (PTO-152)					

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DETAILED ACTION

Response to Arguments

 Applicant's arguments filed on 3 August 2005 have been fully considered but they are not persuasive. The amended claims have been addressed in the body of the claims' rejections below.

Claim Rejections - 35 USC § 102

- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 3. Claims 1, 3, 5, 6, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Beeler, Jr. (5,189,020).
- 4. As per claim 1, Beeler, Jr. teaches a data management method using a network system which includes a server, a client terminal (column 9, lines 16-29) and a plurality of data servers (col. 10, lines 20-31), comprising: the reception step of making the server receive a user's data storage request from the client terminal (column 9, lines 4-15); the select step of making the server automatically select from the plurality of data servers at least one data server located in a different area from an area registered by the user of the client terminal (col. 2, lines 48-58 and col. 6, lines 44-51); and the storage step of making the server send data associated with the data storage request to the selected at least one data server, and store the data in the selected at least one data server (column 10, lines 20-31).

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5. As per claim 3, Beeler, Jr. teaches wherein when: the server selects a plurality of data servers in the select step, the server sends the data associated with the data storage request to the respective selected data servers (column 9, line 50-column 10, line 2).

- 6. As per claim 5, Beeler, Jr. teaches the step of making the server encrypt the data associated with the data storage request, and wherein the storage step includes the step of: making the server send the data encrypted by different methods to the respective data servers, and store the data in the data servers (column 17, lines 10-21).
- 7. As per claim 6, Beeler, Jr. teaches the step of making the server periodically acquire the encrypted data from the data servers (column 17, lines 10-21); the step of making the server decrypt the acquired data; and the step of making the server compare the decrypted data (column 18, lines 7-19).
- 8. Claims 10 and 12-14 are rejected by Beeler, Jr. accordingly as per claim 1 above.

Claim Rejections - 35 USC § 103

- 9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 10. Claims 4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, Jr. (5,189,020) as applied to claims 1 and 3 above, and further in view of Satomi et al. (6,347,384).

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11. As per claim 4, Beeler Jr. teaches the mentioned limitations of the above claims but fails to teach the step of making the server acquire disaster information from a disaster information database that provides disaster information, and search for an area with a low disaster rate of occurrence on the basis of the acquired disaster information, and wherein the select step includes the step of: making the server select at least the data server located in a different area from the registered area, and the data server located in the area with the low disaster rate of occurrence. Satomi et al. teaches the step of making the server acquire disaster information from a disaster information database that provides disaster information (column 2, line 63-column 3, line 23), and search for an area with a low disaster rate of occurrence on the basis of the acquired disaster information (column 3, lines 24-50), and wherein the select step includes the step of: making the server select at least the data server located in an area other than the area set by the user, and the data server located in the area with the low disaster rate of occurrence (column 2, lines 28-50). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add the step of making the server acquire disaster information from a disaster information database that provides disaster information, and search for an area with a low disaster rate of occurrence on the basis of the acquired disaster information, and wherein the select step includes the step of: making the server select at least the data server located in an area other than the area set by the user, and the data server located in the area with the low disaster rate of occurrence in order to provide a system that is capable

of rapidly and effectively making and carrying out a plan for dealing with a disaster when it occurs (see Satomi et al., col. 1, lines 45-48).

- 12. As per claim 7, Beeler Jr. teaches the mentioned limitations of the above claims but fails to teach the step of making the server send to the client terminal an address of the data server that stores the data. Satomi et al. teaches the step of making the server send to the client terminal an address of the data server that stores the data (column 2, lines 51-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add the step of making the server send to the client terminal an address of the data server that stores the data in order to meet the predefined priority of communication networks over which to reach a desired server.
- 13. As per claim 9, Beeler Jr. teaches the mentioned limitations of the above claims but fails to teach wherein information of the area set by the user is pre-stored in the server. Satomi et al. teaches wherein information of the registered area is pre-stored in the server (column 5, lines 14-39). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein information of the registered area is pre-stored in the server because the disaster relief file can then become a process plan for providing disaster relief thereby allowing disaster relief to follow in a controlled manner.
- 14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, Jr. (5,819,020) as applied to claims 1, 3, and 5 above, and further in view of Satomi et

al. (6,347,384) and Bowman-Amuah (6,289,382). Beeler Jr. teaches the mentioned limitations of the above claims but fails to teach the step of making the server send to the client terminal an address of the data server that stores the data, and a key used to decrypt the encrypted data. Satomi et al. teaches the step of making the server send to the client terminal an address of the data server that stores the data (column 2, lines 51-62). And Bowman-Amuah teaches a key used to decrypt the encrypted data (column 79, lines 39-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add the step of making the server send to the client terminal an address of the data server that stores the data in order to meet the predefined priority of communication networks over which to reach a desired server. And a key used to decrypt the encrypted data in order to prevent unauthorized interception of data.

- 15. Claims 15-19, 23-28, 33-35, 38, 61, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, Jr. (5,819,020) and Byrd et al. (6,069,941).
- 16. As per claims 15, 38, 61, and 84 Beeler, Jr. teaches the mentioned limitations of claim 12 above, but fail to teach a server, wherein said select means automatically selects the at least on data server based on the user's service subscription qualification level. However, Byrd et al. teaches a server, wherein said select means automatically selects the at least on data server based on the user's service subscription qualification level (see Byrd et al., col. 5, lines 26-52). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Beeler, Jr. to a server,

wherein said select means automatically selects the at least on data server based on the user's service subscription qualification level in order to connect a qualified subscriber to services while monitoring the amount of service being supplied (see Byrd et al., col. 2, lines 19-35).

- 17. As per claim 16, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Byrd et al. fails to teach wherein said select means selects at least two data servers. Beeler, Jr. however teaches wherein said select means selects at least two data servers (column 9, lines 16-29). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said select means selects at least two data servers in order to allow for data processing to be distributed to different computers so that each target computer has a copy of the source files, and the files are updated in real-time.
- 18. As per claim 17, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Byrd et al. fails to teach wherein said sending means encrypts the data associated with the storage request using an encryption method corresponding to the at least one data server selected by said select means. Beeler, Jr. however teaches wherein said sending means encrypts the data associated with the storage request using an encryption method corresponding to the at least one data server selected by said select means (column 17, lines 10-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said sending means encrypts the data associated with the storage request using an encryption method corresponding to the at least one data server selected by

said select means in order to prevent replicated data from being intercepted and compromised.

- 19. As per claim 18, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Beeler, Jr. fails to teach wherein the service subscription qualification level is determined based on a subscription fee for a service. Byrd et al. however teaches wherein the service subscription qualification level is determined based on a subscription fee for a service (column 2, lines 59-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein the service subscription qualification level is determined based on a subscription fee for a service in order to monitor the amount of service being supplied to a subscriber.
- 20. As per claim 19, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Beeler, Jr. fails to teach wherein the service subscription qualification level is determined based on a service subscription term. Byrd et al. however teaches the service subscription qualification level is determined based on a service subscription term (column 2, lines 59-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add the service subscription qualification level is determined based on a service subscription term in order to monitor the amount of service being supplied to a subscriber.
- 21. As per claim 23, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Beeler, Jr. fails to teach wherein when the user's service

subscription qualification level has changed, said select means re-selects the at least one server, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means. Byrd et al. however teaches wherein when the user's service subscription qualification level has changed, said select means re-selects the at least one server, (column 4, lines 27-48), and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means (column 4, lines 49-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein when the user's service subscription qualification level has changed, said select means re-selects the at least one server, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means in order to qualify the subscriber in accordance with the subscriber's telephone number.

22. As per claim 24, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Beeler, Jr. fails to teach wherein said select means re-selects the at least one data server in accordance with a change in disaster information, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means. Byrd et al. however teaches wherein said select means re-selects the at least one data server in accordance with a change in disaster information, (column 4, lines 27-48), and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means (column 4, lines 49-58). It would have been obvious to one having

ordinary skill in the art at the time of the invention to modify the above claim to add wherein said select means re-selects the at least one data server in accordance with a change in disaster information, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means in order to qualify the subscriber in accordance with the subscriber's telephone number.

23. As per claim 25, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Byrd et al. fails to teach wherein when the registered area has changed, said select means re-selects the at least one data server, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means. Beeler, Jr. however teaches wherein when the registered area has changed (column 10, lines 32-47), said select means reselects the at least one data server, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means (column 9, lines 4-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein when the registered area has changed, said select means re-selects the at least one data server, and said sending means sends the data associated with the storage request again to the at least one data server re-selected by said select means in order to allow remote sites to maintain real-time updates on data files, and also provide a mechanism for effecting off-site backup storage of critical data.

As per claim 26, Beeler, Jr. and Byrd et al. teach the mentioned limitations of 24. claim 15 above but Byrd et al. fails to teach checking means for checking authenticity of the data stored in the at least one data server. Beeler, Jr. however teaches checking means for checking authenticity of the data stored in the at least one data server (column 17, lines 9-21: wherein compression and encryption serves the function of authenticity). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add checking means for checking authenticity of the data stored in the at least one data server in order to prevent replicated data from being intercepted and compromised.

- As per claim 27, Beeler, Jr. and Byrd et al. teach the mentioned limitations of 25. claims 15 and 26 above but Byrd et al. fails to teach wherein said checking means checks authenticity by comparing data which are associated with an identical storage request and are stored in a plurality of the data servers. Beeler, Jr. however teaches wherein said checking means checks authenticity by comparing data which are associated with an identical storage request and are stored in a plurality of the data servers (column 18, lines 7-19). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said checking means checks authenticity by comparing data which are associated with an identical storage request and are stored in a plurality of the data servers in order to prevent replicated data from being intercepted and compromised.
- As per claim 28, Beeler, Jr. and Byrd et al. teach the mentioned limitations of 26. claims 15 above but Byrd et al. fails to teach wherein said checking means checks if

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data becomes fraudulent due to a memory medium. Beeler, Jr. however teaches wherein said checking means checks if data becomes fraudulent due to a memory medium (column 7, lines 34-41: wherein replication data is transmitted through a memory medium). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said checking means checks if data becomes fraudulent due to a memory medium in order to prevent replicated data from being intercepted and compromised.

- 27. As per claim 33, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but Byrd et al. fails to teach notify means for sending at least various storage condition data associated with a data storage process to a client terminal that issued the storage request. Beeler, Jr. however teaches notify means for sending at least various storage condition data associated with a data storage process to a client terminal that issued the storage request (column 10, lines 20-31: wherein broadcasting a message serves the function of notify means). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add notify means for sending at least various storage condition data associated with a data storage process to a client terminal that issued the storage request in order to determine if the node is configured as a target server.
- 28. As per claim 34, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claims 15 and 33 above but Byrd et al. fails to teach wherein said notify means sends encryption algorithm and key data in addition to storage location data of the data associated with the storage request as the storage condition data. Beeler, Jr. however

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teaches wherein said notify means sends encryption algorithm and key data in addition to storage location data of the data associated with the storage request as the storage condition data (column 17, lines 9-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said notify means sends encryption algorithm and key data in addition to storage location data of the data associated with the storage request as the storage condition data in order to replicate the operation described in each packet to the local storage media on target server and restore data to source server when necessary.

- 29. As per claim 35, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claims 15 and 33 above but Byrd et al. fails to teach wherein the client device includes storage means for storing at least the storage condition data sent from said notify means. Beeler, Jr. however teaches wherein the client device includes storage means for storing at least the storage condition data sent from said notify means (column 10, line 65-column 11, line 10). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein the client device includes storage means for storing at least the storage condition data sent from said notify means in order to replicate the operation described in each packet to the local storage media on target server and restore data to source server when necessary.
- 30. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, Jr. (5,819,020) and Byrd et al. (6,069,941) as applied to claim 15 above, and further in view of Satomi et al. (6,347,384).

- 31. As per claim 20, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but fail to teach wherein said select means selects the at least one data server on the basis of disaster information. Satomi et al. however teaches wherein said select means selects the at least one data server on the basis of disaster information. (column 3, lines 24-50). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said select means selects the at least one data server on the basis of disaster information in order to provide a system that is capable of rapidly and effectively making and carrying out a plan for dealing with a disaster when it occurs.
- 32. As per claim 22, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but fail to teach wherein said select means selects a data server with a lowest suffering risk from the plurality of data servers corresponding to the service subscription qualification level of the user who issued the storage request, and a server with a lowest suffering risk of the data servers in a different area from the registered area registered by the user who issued the storage request. Satomi et al. however teaches wherein said select means selects a data server with a lowest suffering risk from the plurality of data servers corresponding to the service subscription qualification level of the user who issued the storage request (column 3, lines 24-50), a server with a lowest suffering risk of the data servers in a different area from the registered area registered by the user who issued the storage request (column 2, lines 28-50). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said select means selects a data server with a

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lowest suffering risk from the plurality of data servers corresponding to the service subscription qualification level of the user who issued the storage request, and a server with a lowest suffering risk of the data servers in a different area from the registered area registered by the user who issued the storage request in order to provide damage status on different degrees of damage of a disaster event.

- 33. Claims 29, 30, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, Jr. (5,819,020) and Byrd et al. (6,069,941) as applied to claims 15 and 26 above, and further in view of Bowman-Amuah (6,289,382).
- 34. As per claim 29, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claims 15 and 26 above but fail to teach wherein said checking means checks if data becomes fraudulent due to tampering of data. Bowman-Amuah however teaches wherein said checking means checks if data becomes fraudulent due to tampering of data (column 128, line 62-column 129, line 10). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein said checking means checks if data becomes fraudulent due to tampering of data in order to fulfill distinct business services through well-defined interfaces.
- 35. As per claim 30, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claims 15, 26, and 29 above but fail to teach wherein when said checking means determines that the data becomes fraudulent due to tampering of data, said checking means sends a message indicating this to a client terminal that issued the storage request of the data. Bowman-Amuah however teaches wherein when said checking

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means determines that the data becomes fraudulent due to tampering of data, said checking means sends a message indicating this to a client terminal that issued the storage request of the data (column 128, line 62-column 129, line 10). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add wherein when said checking means determines that the data becomes fraudulent due to tampering of data, said checking means sends a message indicating this to a client terminal that issued the storage request of the data in order to fulfill distinct business services through well-defined interfaces.

36. As per claim 31, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but fail to teach authentication means for authenticating if the user who issued the storage request is a member who subscribes to the service, and accepts only the storage request from the user authenticated by said authentication means. Bowman-Amuah however teaches authentication means for authenticating if the user who issued the storage request is a member who subscribes to the service, and accepts only the storage request from the user authenticated by said authentication means (column 79, lines 4-13). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add authentication means for authenticating if the user who issued the storage request is a member who subscribes to the service, and accepts only the storage request from the user authenticated by said authentication means in order to prevent unauthorized interception of data.

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37. As per claim 32, Beeler, Jr. and Byrd et al. teach the mentioned limitations of claim 15 above but fail to teach authentication means for checking authenticity of the at least one data server selected by said select means, and said sending means sends data associated with the storage request in only the data server authenticated by said authentication means. Bowman-Amuah however teaches authentication means for checking authenticity of the at least one data server selected by said select means, and said sending means sends data associated with the storage request in only the data server authenticated by said authentication means (column 81, lines 47-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above claim to add authentication means for checking authenticity of the at least one data server selected by said select means, and said sending means sends data associated with the storage request in only the data server authenticated by said authentication means in order to verify network access requests by validating that users are who they claim to be.

Conclusion

- 38. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 39. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER